

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

HB 2506 - SB 2545

February 8, 2010

SUMMARY OF BILL: Creates a new Class A misdemeanor for a person to knowingly possess a radio capable of receiving emergency voice transmissions if the person is not licensed by the FCC as an amateur radio operator and has had one or more prior felony convictions in the last five years or during the commission or attempted commission of a crime; or for a person to knowingly intercept a message or transmission made on or over any device used by law enforcement or emergency medical personnel if the information intercepted is used to commit or facilitate a crime. Offense is elevated to a Class E felony if the crime committed is a felony offense.

ESTIMATED FISCAL IMPACT:

On January 29, 2010, we issued a fiscal note with an incorrect assumption indicating that additional assistant district attorney positions cannot be created or funded absent statutory authorization and that this bill does not authorize the creation of more positions. Based on further research and additional information, this assumption has been determined to be incorrect and has been deleted. The fiscal impact of this bill remains unchanged.

Increase State Revenue – Not Significant

Increase State Expenditures – \$315,100/Incarceration*

Increase Local Revenue – Not Significant

Increase Local Expenditures – Not Significant

Corrected Assumptions:

- According to the Department of Correction (DOC), there has been an average of 99 admissions for evading arrest for the past 10 years. DOC estimates a 10 percent (9.9) increase in admissions as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86 and the average post-conviction time served for a Class E felony is 1.31 years (478.48 days). The cost per offender at 1.31

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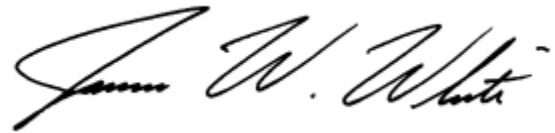
years is \$28,641.81 (\$59.86 x 478.48 days). The total additional cost for 11 offenders is \$315,059.91 (\$28,641.81 x 11).

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc